

January 11, 2013

The Honorable Julius Genachowski
Chairman
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

**Re: Opposition to Progeny Waiver Request
FCC WT Docket No. 11-49**

Dear Chairman Genachowski:

The undersigned urge you to reject the proposal of Progeny LMS, LLC (“Progeny”) to use the 902-928 MHz band (the “Unlicensed Band”) for licensed high-power transmitters, which will interfere with millions of lower-powered unlicensed industrial and consumer devices already operating in that band. Field testing has proved conclusively that Progeny will disrupt a substantial number of unlicensed devices that consumers and businesses use every day.

In December 2011, the FCC granted Progeny waivers of two Part 90 rules. As required by the rules, the FCC directed Progeny to test its higher-powered equipment and to ensure that its operations did not cause “unacceptable levels of interference” to unlicensed devices. The test reports filed with the FCC show that Progeny has not met this condition of its waiver.

Much is at stake. The operations of millions of unlicensed devices – all manufactured, purchased, installed, and used in reliance on the FCC’s existing rules before Progeny received the waiver – will be placed at risk.

Allowing Progeny to operate as proposed would adversely impact preexisting uses essential to public safety and critical infrastructure, and undermine important public policy initiatives – including rural broadband connectivity and the President’s Plan for a 21st Century Electric Grid. For instance, low-powered devices currently operating in the Unlicensed Band include:

- Medical devices such as wireless glucose meters and insulin pumps;
- Important freight railroad applications, including wireless links for signaling systems, wireless download of train event recorders, and Automatic Equipment Identification (AEI), which tracks equipment and cargo;
- Smart meters and appliances;
- Supervisory Control and Data Acquisition (“SCADA”) systems that monitor and control the safety and integrity of oil and natural gas pipelines and production fields;
- Water and gas utility measurement devices;
- Radio Frequency Identification Devices (“RFIDs”) that automatically track assets and supply chains;

- Fixed broadband service in rural areas that is available to thousands of consumers only through the use of the 902-928 MHz unlicensed band due to the superior propagation characteristics in this band that enable signals to penetrate trees and terrain obstructions; and
- Countless other important applications for utilities, oil and natural gas companies, railroads, and other critical infrastructure companies as well as public safety and health services.

Moreover, millions of American consumers rely on unlicensed devices in this band for everyday uses, including wireless hearing aid products, emergency call pendants, home alarm systems, cordless phones and wireless headsets, and a host of other popular consumer items. The impact on the U.S. economy of unacceptable interference to these ubiquitous and important devices is immeasurable.

Reducing the amount of usable unlicensed spectrum would contravene public policy at a time when consumers and businesses require more and more unlicensed bandwidth for education, public safety, teleworking and other important applications. As you know, the FCC's National Broadband Plan found that technologically flexible access to unlicensed frequencies is an essential innovation policy that the FCC should foster. You recently testified before the House Committee on Energy and Commerce Subcommittee on Communications and Technology that unlicensed spectrum has an established record of creating hundreds of billions of dollars of value for our economy and consumers. And, FCC Commissioner Mignon Clyburn testified at the same hearing that unlicensed spectrum generates up to an estimated 37 billion dollars each year for the U.S. economy.

The record is clear. Progeny has done nothing to protect users of unlicensed devices, and repeatedly has requested rule concessions that threaten the established and growing Unlicensed Band, a national resource that quite simply cannot be placed at risk. We urge you to withhold permission for Progeny to commence commercial operations until the potential for unacceptable interference to the users of the Unlicensed Band is eliminated.

Sincerely,

[Signatories On Following Pages]

cc: The Honorable Robert M. McDowell, Commissioner
The Honorable Mignon L. Clyburn, Commissioner
The Honorable Jessica Rosenworcel, Commissioner
The Honorable Ajit Pai, Commissioner

SIGNATORIES

American Gas Association

American Public Power Association

Association of American Railroads

Edison Electric Institute

GridWise Alliance

National Association of Manufacturers

National Rural Electric Cooperative Association

Public Knowledge

Wireless Internet Service Providers Association

Airspan Networks, Inc.

Anadarko Petroleum Corporation

Black Hills Energy

Cielo Systems International

Convergence Technologies, Inc.

Elster Solutions

FirstEnergy Corp.

The General Electric Company

Green Mountain Power Corporation

Inovonics Wireless Corporation

Invictus Networks, LLC

Kinder Morgan, Inc.

Mid-Kansas Electric Company, LLC

Motorola Solutions, Inc.

Northeast Utilities

PDMNet, Inc.

American Petroleum Institute

American Water Works Association

Demand Response and Smart Grid Coalition

Energy Telecommunications and Electrical Association

Large Public Power Council

National Electrical Manufacturers Association

New America Foundation

Utilities Telecom Council

Alloynet Wireless Technologies, Inc.

ARC Wireless LLC

Cambium Networks Ltd.

Colquitt Electric Membership Corporation

Dairyland Power Cooperative

Exelon Corp.

FreeWave Technologies, Inc.

Great River Energy

Holy Cross Energy

Intellex Corporation

Itron, Inc.

Link Technologies, Inc.

MJ Lynch & Associates LLC

New America Foundation

Notor Research

Pepco Holdings, Inc.

Plantronics, Inc.

Schneider Electric SA

Southern Star Central Gas Pipeline, Inc.

Streakwave Wireless, Inc.

Trango Systems, Inc.

Ubiquiti Networks, Inc.

Williams Northwest Pipeline, GP

WLAN Mall

Siemens Corporation

Starkey Laboratories, Inc.

Sunflower Electric Power Corporation

Tyco

Village of Mt. Prospect, IL

WISP-Router, Inc.